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If the Home Rulers did not accept the warning publicly given them from the First Circuit bench yesterday, to burn their party receipt stubs before the Grand Jury can get at them, they are hardly the track-coverers we take them to be.

The Nation's comment on our banderlog Legislature is severely just. As that journal says, is is the Legislature and not the Governor that ought to be removed. Our friends, the enemy, can find no missionary undertone in this, as The Nation, from the beginning of our political troubles in 1893, has steadily opposed Mr. Dole and the political ideas he represents. It now speaks as a disgusted friend of the Hawaiians, and not as their enemy. Nor is it alone in this. The strictures made by The Nation are those which are common to the whole American press.

The conditions of the dairies about Honolulu is generally bad and may be accountable for many deaths. Seeing that milk is the natural food of babies and the common food of invalids, anything likely to make the fluid poisonous or to reduce its strength, is an offense which, when proven in court, should incur for the offender the extreme penalty of the law. A man who exposes milk while fresh from the cow to the bacterial influences of filth, then mixes water and Irish moss with it and peddles the mess to unsuspecting families, ought to be in jail. An even worst condition sometimes arises here, for the Health Inspector reports that ropy milk, the product of diseased cows, is sold in this market. What next?

Women who paint or bleach will do well to avoid the face medicine denounced by a Board of Health agent in another column. That and the drug which figured in a recent damage suit, are good things to miss buying. So, for that matter, are all other fresco colorings or whitewashings intended for the human face. Any woman who uses such preparations deceives nobody about her looks or her age. She simply creates the impression that time or the strenuous life have made extraordinary ravages in her appearance and that, with the mask off, she would be a fright. Pallor and wrinkles are not as unpleasant to see as rouge and enamel; and a healthy crop of freckles is more comely than a bleach. Nature's work in the matter of complexion can neither be improved upon nor concealed, and those who think otherwise, even where they escape the touch of poison, are objects of pity.

It is lucky for Mr. Edwards, the felon who was released from Oahu jail on the decision of Judges Galbraith and Humphreys, that the constitution followed the flag into Hawaii and that there was no transition period here—lucky that he did not have the Supreme Court of the United States to deal with. According to Judge Humphreys' papers' report of the final decision, the constitution followed the flag "during the transition period," and "Congress has plenary power to legislate for Territorial possessions of the United States." The contrary opinion of the local judges follow:

We cannot assent to the doctrine that the operation of the Constitution in the Territories belonging to the United States depends upon the will or action of Congress extending it there. This doctrine necessarily carries with it the admission that what one Congress can give, the same or a succeeding Congress can take away; that although Congress, by the Organic Act organizing the Territory of Hawaii, extended the Constitution and laws of the United States to this Territory, the next Congress might repeal that part of the Organic Act, and that then the people of this Territory would have none of the guarantees of life, liberty and property provided in the Constitution, and might thereafter be governed as a province, a crown colony, or in any manner that Congress, in its wisdom, or unwisdom, might provide; that a tariff might be levied on the products of the islands going into the States, and citizens of this Territory might be denied the rights and privileges of citizens of the United States residing in other parts of its imperial domain.

The whole local contention is upset by the Supreme Court, but unfortunately the man Edwards cannot be put back in jail.

THE INSULAR DECISION.

With the opinion of the Supreme Court affirming the legality of the Foraker act, the Porto Rican tariff law in brief being the matter under discussion, all questions as to the power of the President and Congress to govern the new possessions is set at rest, and there appears to have been laid the ghost of "unconstitutionality" for all time. The decision of Mr. Justice Brown in the case of Downes vs. Collector Bidwell of the port of New York, is comprehensive, and leaves nothing to be desired by the believers in the full plenary powers of Congress to govern territory acquired in any manner that it may see fit. In this connetion the decision will act as a precedent in the deciding of the appeal as to Hawaiian importations, for the status of these islands and Porto Rico after the passage of the Foraker act, may be said to be exactly the same. Congress had acted in the passage of a tariff law; in the case of this Territory it consisted in the providing that existing laws should be in force. As to the contention that the constitution extended to all new possessions of the United States, which came to it as a result of the Spanish war, ex proprio vigore, this sentence from Justice Brown's opinion is final:

The practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect that the Constitution is applicable to Territories acquired by purchase or conquest only when and so far as Congress shall direct.

It is indeed fortunate that there was no division of the court upon political lines. The dissenting justices represent each of the great political parties. There are no greater lawyers in the country than the four who could not decide with the majority. Chief Justice Fuller, Justices Harlan, Brown and Peckham are the peers of their associates in all that goes to make the jurist, but there seems to enter into the two discussions of the matter involved most prominently the power of Congress. In the opinion of the majority of the court it is plainly held that there is no limitation on the power of Congress to legislate for government of any Territory acquired by the nation. This is a virtual overruling of the opinion of the same court, made when Marshall was chief justice. Chief Justice Fuller says:

Chief Justice Marshall, in that case, in considering the provision that "all duties, imposts and excises shall be uniform throughout the United States," said: "Does this term (the United States) designate the whole or any portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously co-extensive with the power to lay and collect duties, imposts and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

The majority of the court sets forth the consistency of the Downes opinion in light of that in the De Lima case, where the holding is in fact that during the period between the transfer of sovereignty and the passage of the Foraker bill, no duties could be collected. This again is a matter turning on the rights of Congress, powers which are paramount to every consideration of policy and inherent right. It is perhaps unfortunate that there should creep into the opinion words which seem to indicate that there was a thought of expediency in the mind of the majority in the rendering of the opinion. This may be inferred from the references to the Taney decision in the Dr. Scott case, and the phraseology of the conclusion. The latter paragraph, however, set out the mind of the court so closely that it is best to quote in full:

Patriotic and intelligent men differ widely as to the desirableness of this or that acquisition. We can only consider this aspect of the case so far as to say that no construction of the Constitution should be adopted which would prevent Congress from considering each case upon its merits, unless the language of the instrument imperatively demands it. A false step at this time might be fatal to the development of what Chief Justice Marshall called the American empire. Choice in some cases, the natural gravitation of small bodies toward large ones in others, the result of a successful war in still others, may bring about conditions which would render the annexation of distant possessions desirable. If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible, and the question at once arises whether large concessions ought not to be made for a time that ultimately our own theories may be carried out and the blessings of a free government under the Constitution extended to them. We decline to hold that there is anything in the Constitution to forbid such action.

Of the undecided cases, one, that of the fourteen diamond rings, will have the second matter, the right to collect duties on goods from the Philippines, in it. This may mean much dissention. Upon the face of the opinion in the De Lima case, it would appear that there is no authority in law for such collection. On the contrary, it will be as strongly urged that there was war in existence and a disputation of the authority of the United States in the archipelago. That the court adjourned without such decision is unfortunate, but to those who know the high standing of the tribunal there will be found no lodgment for the accusation which is being made already, that the court will decide in the fall in accord with administration plans. There now exists in the Spooner amendment to the last army bill sufficient power for the President to make a delegation of power for the passage of a tariff act governing the Philippines, and thus there will be no need for Congressional action until the pacification of the islands, when the entire question of administration will be once more brought to the front.

There is much cant about the one-flag, one-people idea, but in the end there will be from the people themselves a pronouncement, which not only will be final, but which in the nature of things will be more in accord with the majority of the court than with the utterances of the anti-administration men. The ultimate reduction of this theory would be the granting of citizenship, though not necessarily the voting privilege, to all the inhabitants of the various possessions, and there could be no other conclusion than that the people of the United States are not ready for such a radical move. Ultimately there will be one people and equal rights. That the majority of the inhabitants of the islands taken under the flag cannot yet comprehend the privileges offered to them, is as true as that the most enlightened of the new citizens have often abused them. In the case of Porto Rico the result will be beneficial, for the reason that the application of all taxes, internal and otherwise, which obtain here, would overturn their system and the adjustment would be tedious. Now there is a promise of stability and a measure of the national prosperity for the island confidently may be expected.

TIMELY TOPICS.

"Call no man happy until he is dead," is a very old and very wise proverb, but if anybody is entitled to be called so President McKinley seems to be that man.—Chicago Journal.

There will be no collapse of the boom in the stock market as long as the country keeps on believing that all eggs will hatch.—Chicago Journal.

Possibly Emperor William decided to read the newspapers because his clipping bureau failed to save the sporting page for him.—Kansas City Star.

When the patient dies, doctors in Korea cannot collect the bill. It makes the doctor hump to save his patient, otherwise he is a dead loss.—Minneapolis Journal.

President McKinley is going to the Golden Gate, and he is convinced that the whole country is going at a golden gait, too.—Albany Argus.

HAWAII'S LEGISLATURE.

The Way the Banderlog Look to a Mainland Paper.

The first session of the Legislator of the Territory of Hawaii does not appear to have done much to raise island politics to a higher plane. Horse-play, squabbling, dawdling and inefficiency seems to have been the chief marks of the legislators. They closed the legislative term at loggerheads with Governor Dole, whom they vainly urged to extend the time of the regular session. In an official communication to the Senate, he plainly told the members that they had been "wasteful, both of time and money," and that he would do no more than call a special session, for the passage of the neglected appropriation bills, and for that purpose only. In reply, the angry legislators are sending on a petition to Washington, asking the President for the removal of the Governor. But wherein he did not do his exact duty is not evident. If itc omes to removing, the Legislature itself would furnish a shining mark. Undignified conduct and persistent obstruction of the public business certainly do not entitle it to read lectures to Governor Dole.—The Nation.

The correct answer to the charade Kitty's mother had found in the juvenile magazine was "Henty," and as the charade was an easy one it was propounded to the youngster.

"See if you can guess what this is, dear:

" 'A motherly fowl and a kind of drink
Makes a name the boys all know, I think.' "

"I know what the motherly fowl is," replied Kitty. "That's 'hen.' "

"Right," said her mother. "Now the 'kind of drink.' "

Kitty went into a brown study.

"Soda? No, there isn't any such name as 'Hensoda.' Henchoc—no, that won't do. Hencoco, henmilk, henwine——"

"What is it papa's so fond of?" prompted the maternal parent.

"Oh, I know!" exclaimed Kitty. "Rye! Henrye—Henry!"—Chicago Tribune.